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| OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. | | | EXAMINER | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| | | |
|------------------------------|--------------------------------------|--------------------------------------|
| Office Action Summary | Application No. 10/532,089 | Applicant(s) BOUTIN ET AL. |
| | Examiner SHAMBHAVI PATEL | Art Unit 2128 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 April 2009.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 38-48 and 50-76 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 38-48 and 50-76 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 30 September 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. Claims 38-48 and 50-76 have been presented for examination. Claims 75 and 76 are newly added.

Response to Arguments

2. In view of Applicant's amendments and recent Office policy, the objection to the specification and the 35 U.S.C. 101 rejection are withdrawn.
3. In view of Applicant's amendments, an amended 35 U.S.C. 112 rejection is issued below.
4. Applicant's arguments have been fully considered but they are not persuasive.

Regarding the 35 U.S.C. 112 rejection:

- i. **Applicant submits**, on page 14 of the remarks, that "Applicants have amended the claims to correct the informalities noted in the outstanding Office Action."

Examiner notes that the previous Office Action provided an extensive list of indefinite terms and limitations in the claims, and that only a select portion of said terms and limitations have been addressed by the amendments. Accordingly, those rejections which have not been addressed by Applicant have been maintained.

Regarding the prior art rejection:

- ii. **Applicant submits**, on pages 17-18 of the remarks, that Cuatto does not disclose "associating, in the electrical architectural designing device, each use case with a user request, and an initial state and a final state of the system."

Examiner notes that the previously issued Office Action stated "**Cuatto does not explicitly disclose** associating a user request with each use case. **Coleman teaches** using finite state machines to represent services and use cases (**IV.A: services**) and associating user request with the use case (**IV.A: setting and cancelling alarm**). At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Cuatto and Coleman to use a method that is appropriate for analysis and design (**Coleman: Introduction**)."**Examiner notes** that the inputs and outputs disclosed in the **1st paragraph of section 2.1** are equivalent to the initial and final states, respectively.

- iii. **Applicant submits**, on page 18 of the remarks, that Cuatto does not disclose that a set of elementary operations are defined that correspond to a response for the system when the system is in each state.

Examiner notes that the claimed elementary operations that correspond to a response for the system is equivalent to the transition functions disclosed in the **1st paragraph of section 2.1** of the Cuatto reference. Each transition is triggered by a set of input events and emits, after an unbounded non-zero reaction time, a set of output events—thus, the transition function responds to the input and produces an output.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. **Claims 39, 40, 42, 43, 50, 51, 59, 62, 65, and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite** for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i. regarding **claim 39**, the limitation “supplementary elementary operation of control” is vague and indefinite.
- ii. regarding **claim 42**, the limitations “executions of software and hardware drivers, writes and reads in data frames”, “frame transfer to a network”, “reading and writing of the frames” are vague and indefinite. The meaning of each of these limitations within the context of the claim is vague and indefinite.
- iii. regarding **claim 43**, the terms “variants” are vague and indefinite.
- iv. regarding **claim 50**, the limitation “outside the direct control of the services” is vague and indefinite.
- v. regarding **claim 51**, the limitation “phases of the services” is vague and indefinite.
- vi. regarding **claim 59**, the limitation “the modes in which the calculating unit must function” is vague and indefinite.
- vii. regarding **claim 62**, the term “frame” is vague and indefinite. The meaning of the term within the context of the claim is vague and indefinite
- viii. regarding **claim 65**, the term “service variants” is vague and indefinite.

ix. regarding **claim 69**, the limitation “a set of exchanged data frames” is vague and indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 38-48 and 50-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuatto (“A Case Study in Embedded Systems Design: An Engine Control Unit”) in view of Coleman (“Introducing ObjectCharts or How to Use StateCharts in Object-Oriented Design”).**

Regarding **claim 38**:

Cuatto discloses a method for designing a specification of a hardware and software system, comprising:

- a. defining services, which are functions that can be performed, and for each service, at least one use case which is a context or situation that the system is in (section 2nd-3rd paragraphs)

- b. associating, in the electrical architecture designing device, each use case with an initial state and a final state of the system (**section 2.1 1st paragraph: input, output**)
- c. defining operations, in the course of which, for each state, a set of elementary operations are defined which correspond to a response for the system when said system is in said each state (**section 2.1 1st paragraph: transition function**)
- d. specifying the system architecture by defining characteristics of electronic control units and networks (**section 3: electronic engine control unit, sensors networked to unit**)
- e. mapping the elementary operations onto calculating units (**section 4.3: partitioned behavior onto hardware and software**)
- f. executing at least one of: identifying flow of data circulating on the networks as a function of the mapping (**section 2.1: communication**) and identifying specifications associated with interfaces of the calculating unit as a function of the mapping (**section 2 1st paragraph: interface**).

Cuatto does not explicitly disclose associating a user request with each use case. **Coleman teaches** using finite state machines to represent services and use cases (**IV.A: services**) and associating user request with the use case (**IV.A: setting and cancelling alarm**). At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Cuatto and Coleman to use a method that is appropriate for analysis and design (**Coleman: Introduction**).

Regarding claim 39:

Cuatto discloses a method according to claim 38, wherein the mapping comprises, for each service, a choice among a plurality of mapping modes comprising: mapping the service onto a single calculating unit of the calculating units (**section 2 1st and 2nd paragraphs: mapping**), master-slave mapping, in which a supplementary elementary operation of control of the single service activates, depending on a current state of the service in the system, elementary operations of the service, the supplementary elementary operation being mapped onto one of the calculating units (**section 2 1st and 2nd paragraphs: mapping and transition function**), distributed mapping, in which the elementary operations are distributed over at least two calculating units (**section 2 1st and 2nd**

paragraphs: mapping) and, onto each of the calculating units, a supplementary elementary operation that controls the service is mapped and activates, depending on a current state of the service in the system, mapping of the elementary operations of the service onto the calculating units (**section 2.1 1st paragraph: transition function**).

Regarding claim 40:

Cuatto and Coleman teach a method according to claim 39, wherein the supplementary elementary operations are generated automatically with: as inputs, all data necessary for calculation of transitions of a control automaton of the service and as an output, a datum representing the state in which the service finds itself (**Cuatto: section 2.1 1st paragraph: input, output, and transition function**) and the transitions are transformations, via an elementary operation, of the user's requests (**Coleman: section III: transition**).

Regarding claim 41:

Cuatto discloses a method according to claim 38, wherein, in the identifying data flows, a state of each data flow is determined relative to a given electronic messaging system (**section 2.1 1st paragraph: uses a globally asynchronous locally synchronous communication semantics input, output, and transition function; figure 1: levels of hierarchy**)

Regarding claim 42:

Cuatto discloses a method according to claim 38, wherein, given a use case, a performance constraint is imposed on the use case and on certain of the elementary operations executed in the initial state of the use case (**section 2 2nd paragraph: performance constraint**), a list of those executions of elementary operations, executions of software and hardware drivers, writes and reads in the data frames, taking into account of information by sensors and actuators, and data frame transfer to a network that are implemented following mapping of the elementary operations is then automatically synthesized (**section 3: drivers, sensors, actuators, sensors networked to unit; section 4.3: partitioned behavior onto hardware and software**), requirements of delay of execution and/or of response time of transmission, the reading and writing of the data frames, and execution of the drivers and of the elementary operations are then specified, response times of the sensors and the actuators are indicated (**section 2.1: 2nd paragraph: performance constraint**).

reaction time; section 4.3 timing constraint), a fact that a performance constraint is satisfied for a mapping of the elementary operations is validated or requirements of delay of execution and/or of response time to satisfy the performance constraint are specified (**section 4.2: simulation output**).

Regarding claim 43:

Cuatto discloses a method according to claim 38, wherein if, for a service that has at least two variants, and the at least two variants have shared elementary operations, then the elementary operations are automatically mapped onto the same calculating units during mapping of one of the variants (**section 2.1: shared resources**).

Regarding claim 44:

Cuatto discloses a device for design of a specification of a hardware and software system, comprising:

- a. means for defining services which are functions that can be performed, and for each service, at least one use case which is a context or situation that the system is in (**section 2nd and 3rd paragraphs**)
- b. means for associating each use case with an initial state and a final state of the system (**section 2.1 1st paragraph: input, output**)
- c. means for defining operations, in the course of which, for each state, a set of elementary operations are defined which correspond to a response for the system when said system is in said each state (**section 2.1 1st paragraph: transition function**)
- d. means for specifying the system architecture by defining characteristics of electronic control units and networks (**section 3: electronic engine control unit, sensors networked to unit**)
- e. means for the elementary operations onto calculating units (**section 4.3: partitioned behavior onto hardware and software**)
- f. and at least one of: means for executing at least one of: identifying flow of data circulating on the networks as a function of the mapping (**section 2.1: communication**)

and identifying specifications associated with interfaces of the calculating unit as a function of the mapping (**section 2 1st paragraph: interface**)

Cuatto does not explicitly disclose associating a user request with each use case. **Coleman teaches** using finite state machines to represent services and use cases (**IV.A: services**) and associating user request with the use case (**IV.A: setting and cancelling alarm**). At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Cuatto and Coleman to use a method that is appropriate for analysis and design (**Coleman: Introduction**).

Regarding claim 45:

Cuatto discloses a device according to claim 44, further comprising means for selecting a hierarchical description, selection of each selection means causing a different screen of the device to appear (**figures 1 and 2**).

Regarding claim 46:

Cuatto discloses a device according to claim 45, wherein, for at least one screen, the hierarchical description represents, at a first level of hierarchy, a plurality of services and, at a second level of hierarchy, a plurality of use cases for each service (**figures 1 and 2: services and use case**).

Regarding claim 47:

Coleman teaches a device according to claim 46, wherein, for at least one screen, each use case comprises an initial context or situation of the system, a user's request to the system, and a response of the system corresponding to a change of its state (**IV.A: setting and cancelling alarm**).

Regarding claim 48:

Cuatto discloses a device according to claim 46, wherein, in at least one screen, states and associated state transitions are defined for each use case of a service (**figure 2: state and transition**).

Regarding claim 50:

Cuattro discloses a device according to claim 44, wherein each phase is composed of a set of combinations of modes of operation of a vehicle, the modes being outside the direct control of the services (**section 4.1: function blocks**).

Regarding claim 51:

Cuattro discloses a device according to claim 45, wherein, for at least one screen, the hierarchical description represents a plurality of services at a first level of hierarchy and represents phases of the service at a second level of hierarchy (**figure 2: functional mode**).

Regarding claim 52:

Cuattro discloses a device according to claim 47, wherein, for at least one screen, the hierarchical description represents a plurality of services at a first level of hierarchy and of states of the service at a second level of hierarchy (**figure 2: functional mode**).

Regarding claim 53:

Cuattro discloses a device according to claim 51, wherein, within the hierarchical description, a hierarchical level in a given state describes the elementary operations (**figure 1: operation**).

Regarding claim 54:

Cuattro discloses a device according to claim 45, wherein, for at least one screen, mapping of elementary operations onto components represented in a representational view is affected (**figure 1: view**).

Regarding claim 55:

Cuattro discloses a device according to claim 54, containing, for at least one screen, a representational view representing an envelope of a component and each elementary operation that the component controls or instructs (**figure 1: partitioning**).

Regarding claim 56:

Cuatto discloses a device according to claim 45, containing, for at least one screen, a representational view representing an envelope of a service and each elementary operation that the service comprises (**figures 3 and 4: envelope and elementary operation**).

Regarding claim 57:

Cuatto discloses a device according to claim 45, wherein, for at least one screen, at a first level of hierarchy, the hierarchical description represents the calculating units of the system and, at a second level of hierarchy, elementary operations electronically monitored or controlled by each calculating unit (**figure 1: calculator and operation**).

Regarding claim 58:

Cuatto discloses a device according to claim 57, wherein, for each screen, a hierarchical level represents, for each calculating unit, the services that are mapped at least partly onto the calculating unit (**figure 1: service**).

Regarding claim 59:

Cuatto discloses a device according to claim 57, wherein, for each screen, a representational view represents, for each calculating unit, the modes in which the calculating units must function (**figure 2: mode**).

Regarding claim 60:

Cuatto discloses a device according to claim 45, wherein, for at least one screen, a representational view represents at least one network and the components connected to it (**figure 2: view**).

Regarding claim 61:

Cuatto discloses a device according to claim 45, wherein, for at least one screen, at a first level of hierarchy, the hierarchical description represents the calculating units of the system and, at a second level of

hierarchy, for each calculating unit, data frames are transported on buses to which the calculating unit and/or the electronic components directly connected to the calculating units are connected (**section 2.1 modeling of shared resources**).

Regarding claim 62:

Cuattro discloses a device according to claim 45, wherein, for at least one screen, the hierarchical description represents frames at a first level of hierarchy and, at a second level of hierarchy, for each frame of the frames, the data contained in the frames (**figure 3: data**).

Regarding claim 63:

Cuattro discloses a device according to claim 45, wherein, for at least one screen, a representational view represents components and/or networks and a projection of a service onto the components and/or networks (**figure 1: service**).

Regarding claim 64:

Cuattro discloses a device according to claim 45, wherein, for at least one screen, a hierarchical level describes, for each elementary operation, input and output interface data flows, and, for each data flow, a driver and the component and/or the elementary operation with which the data flow is exchanged (**figures 2 and 3**).

Regarding claim 65:

Cuattro discloses a device according to claim 45, wherein, for at least one screen, the hierarchical description represents, at a first level of hierarchy, a plurality of services and, at a second level of hierarchy, a plurality of service variants, for each service (**figure 3: service and variant**).

Regarding claim 66:

Cuattro discloses a device according to claim 45, wherein, for at least one screen, the hierarchical description represents, at a first level of hierarchy, a plurality of electronic components and, at a second level of

hierarchy, a plurality of similar electronic components, for each electronic component (**figures 3 and 4: component and variant**).

Regarding claim 67:

Cuatto discloses a device according to claim 45, wherein, for at least one representational view, a selection of an element of the representational view by a pointing device gives access to a representation of the functioning of the element (**sections 4.1 and 4.2: hierarchical models**).

Regarding claim 68:

Cuatto discloses a device according to claim 44, wherein, for a use case, given partial or complete mapping of the services, the set of elementary operations in the architecture and the set of data exchanged corresponding to execution of the use case are automatically identified (**section 4.3: partitioned behavior onto hardware and software**).

Regarding claim 69:

Cuatto discloses a device according to claim 44, wherein, for a use case, if a performance constraint is imposed on the use case (**section 2 2nd paragraph: performance constraint**), the set of elementary operations in the architecture, a set of exchanged data frames, and a set of sensors necessary and/or a set of actuators activated are automatically identified (**section 3: drivers, sensors, actuators, sensors networked to unit; section 4.3: partitioned behavior onto hardware and software**), in such a manner as to assign respectively thereto specific constraints of delay of execution, of delay of transmission, of delay of activation, and/or to validate the constraints already imposed (**section 2.1: reaction time; section 4.3 timing constraint**).

Regarding claim 70:

Cuatto discloses a device according to claim 44, further comprising, for objects, hardware components and/or services offered to the client, a graphic representation comprising: a contour representing the object, representations of other objects with which the object communicates, and representations of data exchanged with the

other objects (**figure 3: object, communication and data**).

Regarding claim 71:

Cuatto discloses a device according to claim 70, wherein, when the envelope represents a hardware component, data representations are effected for a service (**figures 3 and 4: hardware and service**).

Regarding claim 72:

Cuatto discloses a device according to claim 44, further comprising, for each bus, a representation of components that are connected directly thereto and, for components directly connected to at least two buses, for each of these at least two buses, associated with the component, an identifier of each other bus to which the component is directly connected (**section 2.1 modeling of shared resources**).

Regarding claim 73:

Cuatto discloses a device according to claim 72, wherein the identifier is a graphical element (**figures 3 and 4**).

Regarding claim 74:

Cuatto discloses a manufactured article comprising: a computer storage means having a computer program for designing a specification of a hardware and software system, wherein the program comprises a code for execution of the method defined in claim 38 (**Introduction**).

Regarding claim 75:

Cuatto discloses a method according to claim 38, wherein the hardware and software system is related to a vehicle (**section 3: engine control unit of a automobile**).

Regarding claim 76:

Cuatto and Coleman do not explicitly disclose selecting and routing electrical wires. In view of KSR International Co. v Teleflex Inc. “The obviousness analysis cannot be confined by ... overemphasis on the importance of published articles and the explicit content of issued patents....In many fields it may be that there is little discussion of obvious techniques or combinations, and it often may be the case that market demand, rather than scientific literature, will drive design trends.” (KSR, 82 USPQ2d at 1396) See MPEP 2141 (I).

In light of KSR not only is the claimed invention rendered obvious under teaching, suggestion or motivation rationale, but also rendered obvious under additional rationale. Inline with current ruling made in KSR, the rationale to combine can be derived from *Use of known technique to improve similar devices (methods, or products) in the same way*. Examiner notes that the techniques in the prior art are as a whole, dedicated to embedded systems, but performs a case study using electronic control units. It would have been obvious to substitute the electronic control unit taught by Cuatto with any type of electrical circuit (thus, the routing of electrical wires) because the techniques used by Cuatto (hardware/software co-design) is commonly used in the art for electrical circuits design.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Examiner's Remarks:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the

references in their entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shambhavi Patel whose telephone number is (571) 272-5877. The examiner can normally be reached on Monday-Friday, 8:00 am – 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamini Shah can be reached on (571) 272-2279. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKP

/Michael D Masinick/

Primary Examiner, Art Unit 2128